

“Interpretation of the Constitution – Brown v. Board of Education, 1954”

Created By: Ms. Shelley Smith and Mrs. Maureen Stevens (2018)

Subject / Lesson: United States History and the Constitution / Interpretation of the Constitution

Grade Level: 11th Grade

Overview/Description: Students will gain an understanding of the Brown v. Board of Education decision and its impact on United States history by examining the foundation of the Constitution and its evolving application into modern day society. The students will view an introductory video, discuss the concepts of equality, classify arguments for and against segregated schools, and create a well-developed persuasive argument for an assigned position.

Duration: 50 minutes

Standards:

USHC-8.1 Analyze the African American Civil Rights Movement, including initial strategies, landmark court cases and legislation, the roles of key civil rights advocates and the media, and the influence of the Civil Rights Movement on other groups seeking equality.

Objectives:

Students will be able to identify and analyze interpretations of the Constitution and apply the principles of equality in terms of civil rights and desegregation.

Materials and Resources:

- www.landmarkcases.org
- [Brown v. Board of Education in PBS' The Supreme Court](#)
- [14th Amendment of the Constitution](#)

Instruction/Demonstration/Procedures:

- *Hook:* Does treating people equally mean treating them the same?
 - Students are presented with scenarios and must put them under the category that they feel is the most appropriate (i.e. Discrimination and a Serious Problem, Discrimination but Not Serious Problem, Not Right but Not Discrimination, Not Discrimination and Not a Problem). There are four scenarios and students will have four sticky notes labeled 1, 2, 3, and 4 to represent each scenario. After reading each scenario, students place their sticky notes under the category of their choosing.
 - Teacher will note the trends of the student's answers. This will be an activity that is revisited at the end of the lesson.

- Teach content leading up to issues of the desegregation (if necessary).
- View PBS's Supreme Court clip of the Brown v. Board of Education case.
- Distribute Handout 1. Students will classify arguments for each side of the Brown v. Board of Education case and will then be assigned a position and must develop a persuasive argument, using the 14th Amendment, to present on the case.
- At the end of the lesson, students will revisit the hook activity and have the ability to move their original sticky note placement. Once students have the time for reflection, and make their decisions, the teacher will note any new trends or patterns, and then reveal the answers of discrimination in the modern-day context.

Activities:

- Hook Sticky Note Activity
- Classification of Arguments
- Persuasive Argument Presentation
- Revisit Hook Activity
- Class Discussion/Independent Student Reflection

Links with Background Information:

[Landmark Supreme Court Cases Background Info](#)

Assessments/Evaluation: Please refer to the following rubric:

[Suggested Persuasive Argument Rubric](#)

Suggestions for Review, Closure, or Extension:

This activity can be brought to the local level looking at your own school's history of integration. The teacher may include discussion of the Little Rock Nine as the first attempt at integration of a high school. The teacher may also decide to extend the lesson to include other activity such as the evaluation of political cartoons.

Hook Scenarios Sticky Note Activity

Directions: You will be given four sticky notes labeled 1-4. Read the four scenarios listed below. Decide what category (posted around the room) each scenario fits best. Once you have decided, place your sticky note in the appropriate area.

1. A young African American is stopped and questioned at the mall and then allowed to go.
2. A transgender teen ordered pizza at a local restaurant. Two older men make a comment to him that "God hates you!"
3. Middle school student brings a clock he built to school. Teachers call police and have him arrested believing because of his Middle Eastern background, it was a bomb.
4. Female student is cut from the football team.

Handout 1: Classifying Arguments for Each Side of the Case

DIRECTIONS: The following is a list of arguments in the *Brown v. Board of Education* court case. Read through each argument and decide whether it supports Brown's side against segregation (LB), Board of Education of Topeka's position in favor of segregation (TOP), both sides (BOTH), or neither side (N).

1. The Equal Protection Clause of the Fourteenth Amendment of the Constitution states:
 - o "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."
 - o The Fourteenth Amendment precludes a state from imposing distinctions based upon race. Racial segregation in public schools reduces the benefits of public education to one group solely on the basis of race and is unconstitutional.
2. The Fourteenth Amendment states that people should be treated equally; it does not state that people should be treated the same. Treating people equally means giving them what they need. This could include providing an educational environment in which they are most comfortable learning. White students are probably more comfortable learning with other white students; black students are probably more comfortable learning with other black students. These students do not have to attend the same schools to be treated equally under the law; they must simply be given an equal environment for learning. The U.S. District Court found that the facilities provided for black children in Topeka were equal to those of white children.
3. Psychological studies have shown that segregation has negative effects on black children. By segregating white students from black students, a badge of inferiority is placed on the black students, a system of separation beyond school is perpetuated, and the unequal benefits accorded to white students as a result of their informal contacts with one another is reinforced. The U.S. District Court found that segregation did have negative effects on black children.
4. No psychological studies have been done on children in the Topeka, Kansas school district. The findings of the psychological studies that demonstrate the negative effects of segregation cannot be stretched to the Topeka school district. There is no indication of personal harm to the appellants.
5. In 1896 the Supreme Court of the United States decided the case of *Plessy v. Ferguson*. In this case, Homer Plessy sued, alleging that his Fourteenth Amendment rights were violated by a Louisiana law requiring the railroad companies to provide equal, but separate, facilities for white and black passengers. The Court declared that segregation was legal as long as facilities provided to each race were equal. The Court declared that the legal separation of the races did not automatically imply that the black race was inferior. Legislation and court rulings could not overcome social prejudices, according to Justice Brown. "If one race be inferior to the other socially, the constitution of the United States cannot put them on the same plane."

6. In 1950 the Supreme Court of the United States decided the case of Sweatt v. Painter. In this case Herman Sweatt was rejected from the University of Texas Law School because he was black. He sued school officials alleging a violation of the Fourteenth Amendment rights. The Court examined the educational opportunities at the University of Texas Law School and a new law school at the Texas State University for Negroes and determined that the facilities, curricula, faculty and other tangible factors were not equal. Furthermore, the justices argued that other factors such as the reputation of the faculty and position and influence of the alumni could not be equalized. They therefore ruled in favor of Sweatt.
7. The United States has a federal system of government that leaves educational decision making to state and local legislatures.
8. At the time the Fourteenth Amendment of the Constitution was drafted, widespread public education had not yet taken hold. Education was usually in the hands of private organizations. Most black children received no education at all. It is unlikely that those involved with passing the Fourteenth Amendment thought about its implications for education.
9. Housing and schooling have become interdependent. The segregation of schools has reinforced segregation in housing, making it likely that a change in school admission policies will have a dramatic effect on neighborhoods, placing a heavy burden on local government to deal with the changes. The local conditions of an area must be taken into consideration.

LB	TOP	BOTH	N

